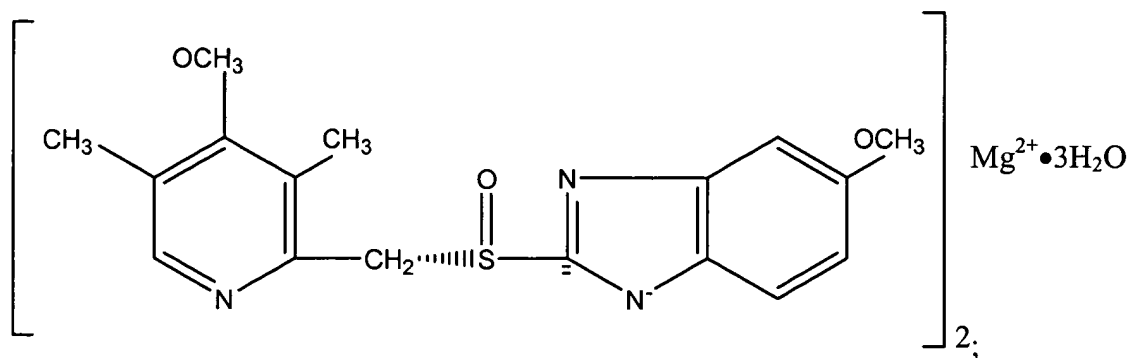


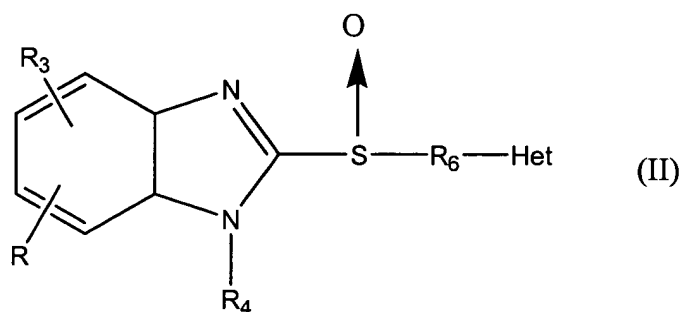
### AMENDMENTS TO THE CLAIMS

1. **(Currently Amended)** A method for reducing partial nocturnal upper airway obstruction in a patient in need thereof, wherein the airway obstruction does not result in hypoxemia in the patient, comprising administering to the patient an agent for treating symptoms of hyper-acidity or gastro-intestinal reflux disease (GERD).
- 2-4. **(Canceled)**
5. **(Previously Presented)** The method of claim 1, wherein said agent is an H<sub>2</sub> histamine receptor antagonist, an inhibitor of H<sup>+</sup>, K<sup>+</sup> ATPase, a proton pump inhibitor, a Bismuth compound, an antacid, a synthetic analog of somatostatin, an antiemetic agent, a sucralfate, prostaglandin analog, a muscarinic cholinergic antagonist, a D<sub>2</sub> antagonist, a chenodeoxycholic acid, an ursodeoxycholic acid, or a pancreatic enzyme preparation.
6. **(Previously Presented)** The method of claim 1, wherein said agent is an inhibitor of gastric secretion.
7. **(Withdrawn, Previously Presented)** The method of claim 6, wherein said inhibitor is an H<sub>2</sub> histamine receptor antagonist selected from TAGAMET™ (cimetidine), ZANTAC™ (ranitidine), PEPCID™ (famotidine), or AXID™ (nizatidine).
8. **(Previously Presented)** The method of claim 6, wherein said inhibitor is an H<sup>+</sup>, K<sup>+</sup> ATPase selected from PREVACID™ (lansoprazole), NEXIUM™ (esomeprazole magnesium), or PRILOSEC™ (omeprazole).
9. **(Previously Presented)** The method of claim 6, wherein said inhibitor is PREVACID™ (lansoprazole).
10. **(Withdrawn, Previously Presented)** The method of claim 6, wherein said inhibitor is PROTONIX® (pantoprazole sodium) or ACIPHEX® (rabeprazole sodium or pariprazole).
11. **(Previously Presented)** The method of claim 6, wherein said inhibitor is a compound or a pharmaceutical composition represented by any of formulas I-XVIII or salts thereof, wherein formula I is:



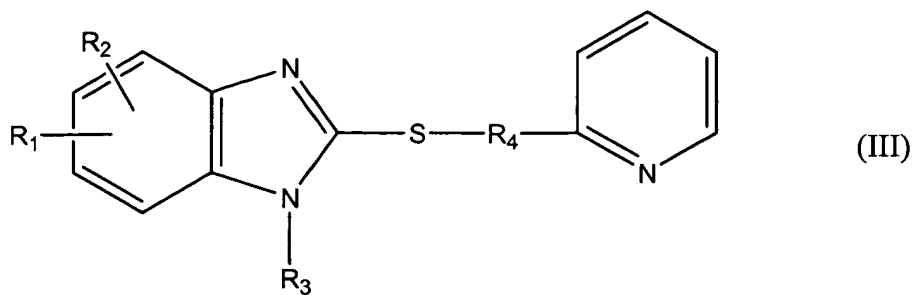
(Formula I)

wherein formula II is:



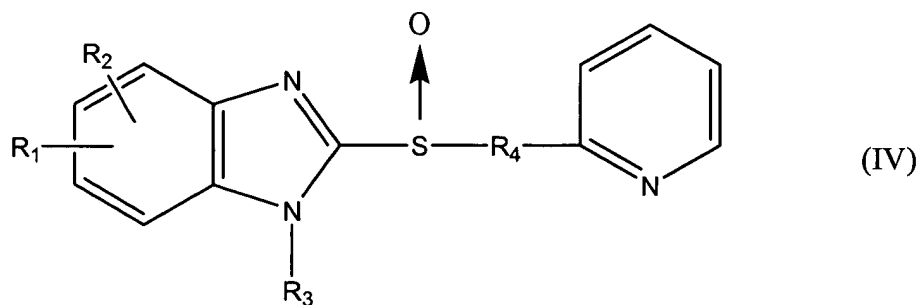
wherein R and R<sub>3</sub> are the same or different, and are hydrogen, alkyl, halogen, cyano, carboxy, carboxyalkyl, carboalkoxy, carboalkoxyalkyl, carbamoyl, carbamoyloxy, hydroxy, alkoxy, hydroxy alkyl, trifluoromethyl or acyl in any position, R<sub>4</sub> is hydrogen, alkyl, acyl, carboalkoxy, carbamoyl, alkylcarbamoyl, dialkylcarbamoyl, alkylcarbonyl methyl, alkoxy carbonyl methyl or alkylsulphonyl, R<sub>6</sub> is a straight or branched alkyl chain having 1 to 4 carbon atoms, whereby only one methylene group is present between S and Het, and Het (heterocyclic group) is imidazolyl, imidazoliny, benzimidazolyl, thiazolyl, thiazoliny, quinolyl, piperidyl or pyridyl, further comprising optional substitution in the 3 to 5 position with lower alkyl groups and/or with halo substituents;

wherein formula III is:



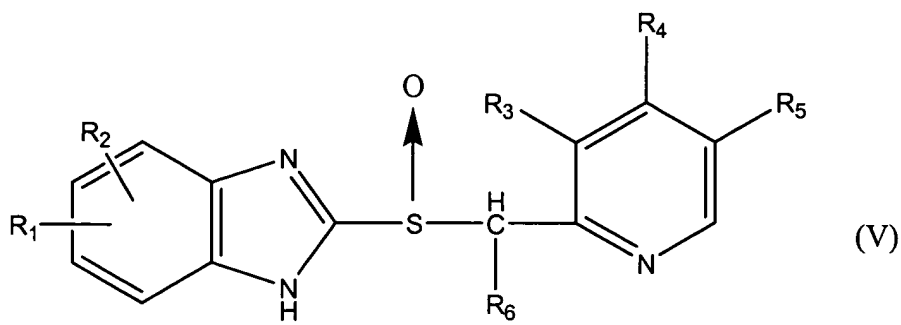
wherein  $R_1$  and  $R_2$  are each hydrogen, alkyl, halogen, cyano, carboxy, carboxy-alkyl, carboalkoxy, carboalkoxyalkyl, carbamoyl, carbamoyl-oxy, hydroxy, alkoxy, hydroxyalkyl, trifluoromethyl or acyl in any position,  $R_3$  is hydrogen, alkyl, acyl, carboalkoxy, carbamoyl, alkylcarbamoyl, dialkylcarbamoyl, alkylcarbonylmethyl, alkoxy carbonylmethyl, or alkylsulphonyl, and  $R_4$  is straight and branched alkylene groups having 1 to 4 carbon atoms, whereby at most one methylene group is present between S and the pyridyl group, and whereby the pyridyl group is optionally further substituted with alkyl or halogen;

wherein formula IV is:



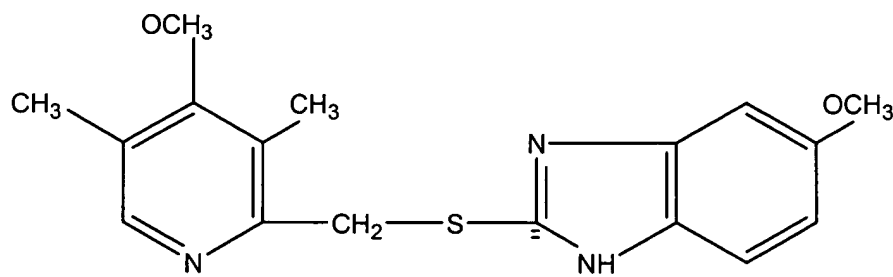
wherein  $R_1$  and  $R_2$  are each hydrogen, alkyl, halogen, cyano, carboxy, carboxy-alkyl, carboalkoxy, carboalkoxyalkyl, carbamoyl, carbamoyl-oxy, hydroxy, alkoxy, hydroxyalkyl, trifluoromethyl or acyl in any position,  $R_3$  is hydrogen, alkyl, acyl, carboalkoxy, carbamoyl, alkylcarbamoyl, dialkylcarbamoyl, alkylcarbonylmethyl, alkoxy carbonylmethyl, or alkylsulphonyl, and  $R_4$  is straight and branched alkylene groups having 1 to 4 carbon atoms, whereby at most one methylene group is present between S and the pyridyl group, and whereby the pyridyl group is optionally further substituted with alkyl or halogen;

wherein formula V is:

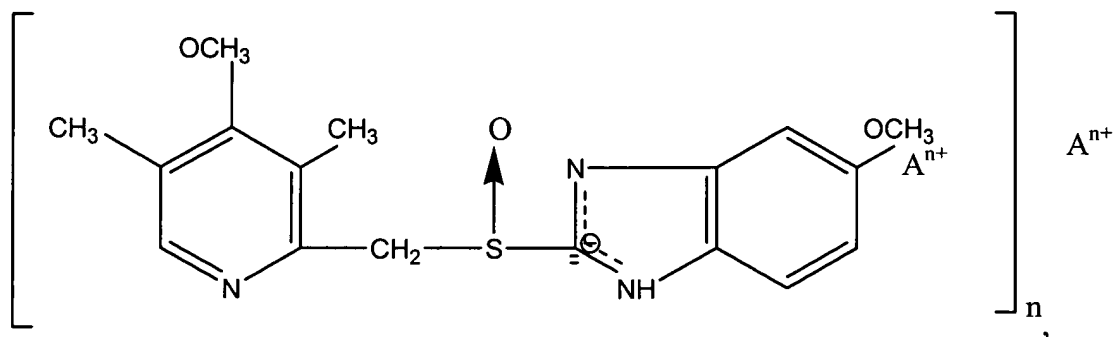


wherein  $R_1$  and  $R_2$  are the same or different, and are each hydrogen, alkyl, halogen, carbomethoxy, carbethoxy, alkoxy, or alkanoyl,  $R_6$  is hydrogen, methyl, or ethyl, and  $R_3$ ,  $R_4$ , and  $R_5$  are same or different, and are each hydrogen, methyl, methoxy, ethoxy, methoxyethoxy or ethoxyethoxy, whereby  $R_3$ ,  $R_4$ , and  $R_5$  are not all hydrogen, and whereby when two of  $R_3$ ,  $R_4$ , and  $R_5$  are hydrogen, the third of  $R_3$ ,  $R_4$ , and  $R_5$  is not methyl;

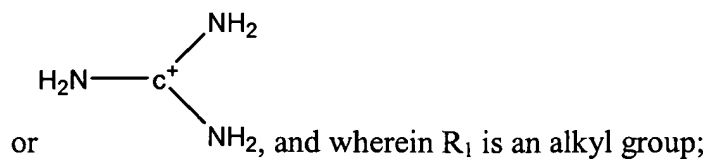
wherein formula VI is:



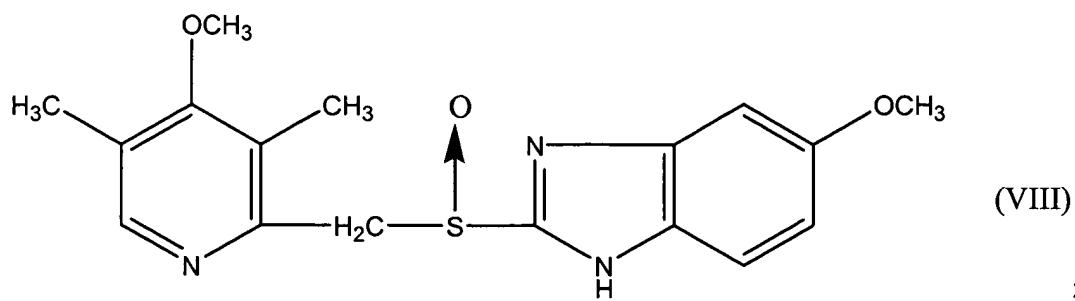
wherein formula VII is:



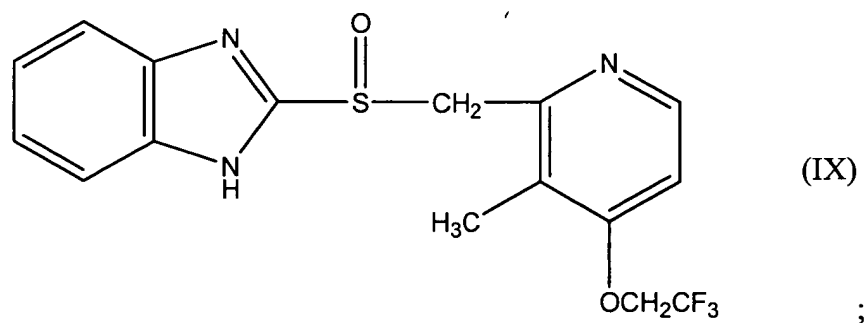
wherein n is 1, 2, or 4,  $A^{n+}$  is  $Li^+$ ,  $Na^+$ ,  $K^+$ ,  $Mg^{2+}$ ,  $Ca^{2+}$ ,  $Ti^{4+}$ ,  $N^+(R_1)_4$



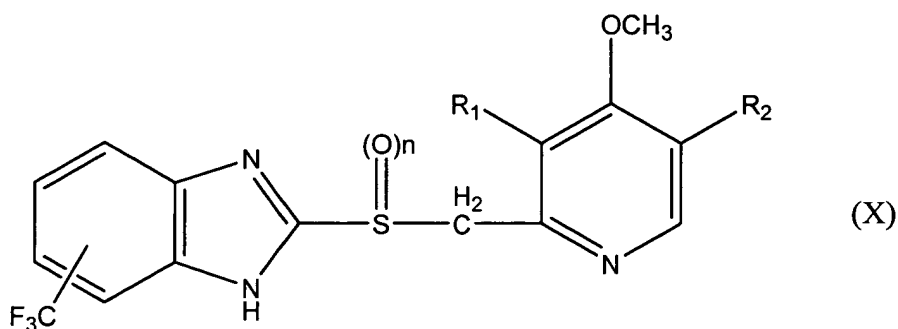
wherein formula VIII is:



wherein formula IX is:

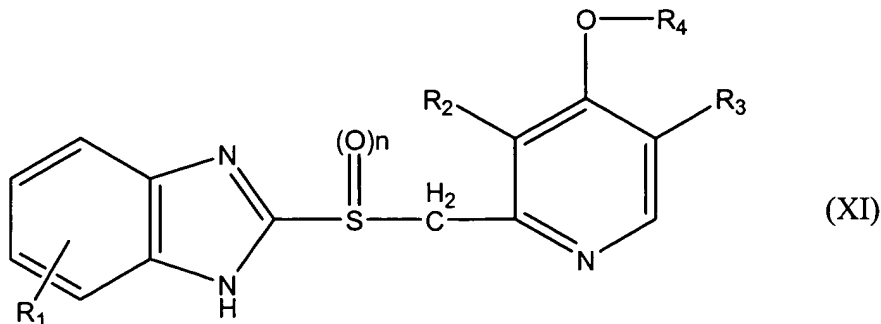


wherein formula X is:



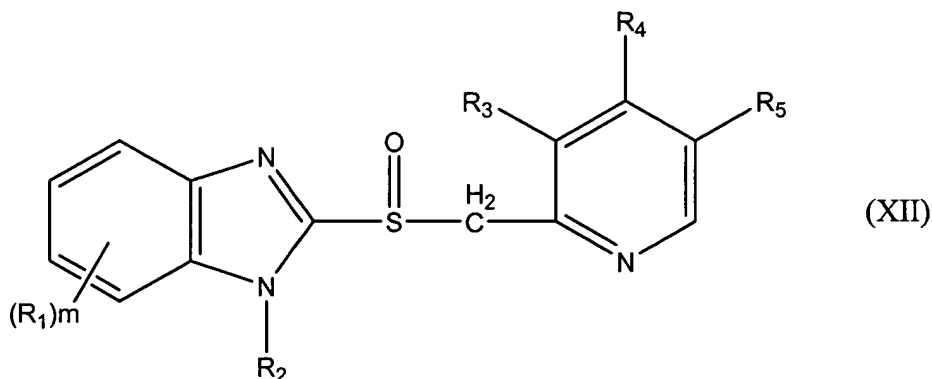
wherein  $R_1$  is hydrogen or methyl,  $R_2$  is hydrogen or methyl, and n is 0 or 1;

wherein formula XI is:



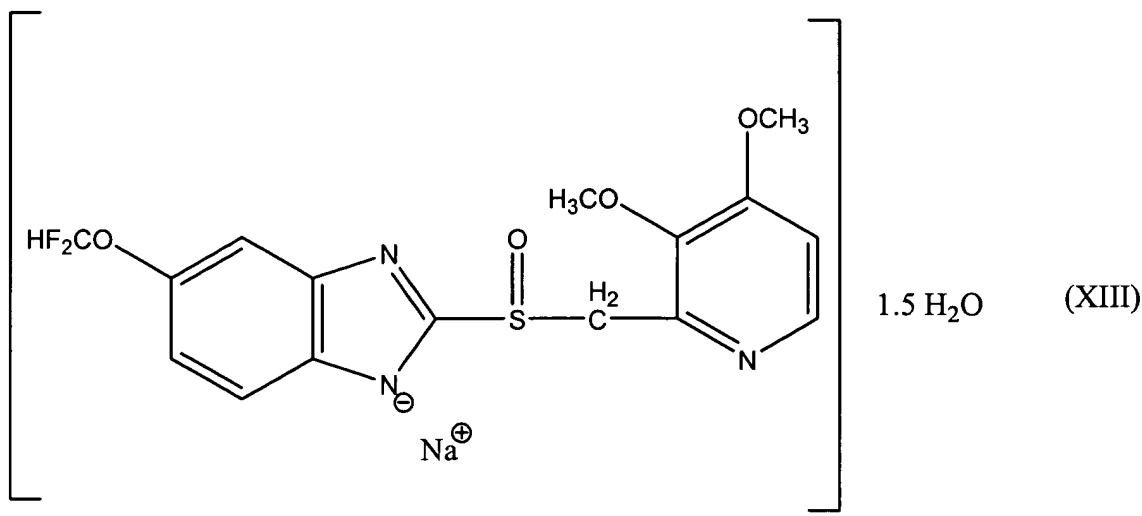
wherein  $R_1$  is hydrogen, methoxy or trifluoromethyl,  $R_2$  and  $R_3$  are independently hydrogen or methyl,  $R_4$  is a  $C_{2-5}$ , and  $n$  is 0 or 1;

wherein formula XII is:

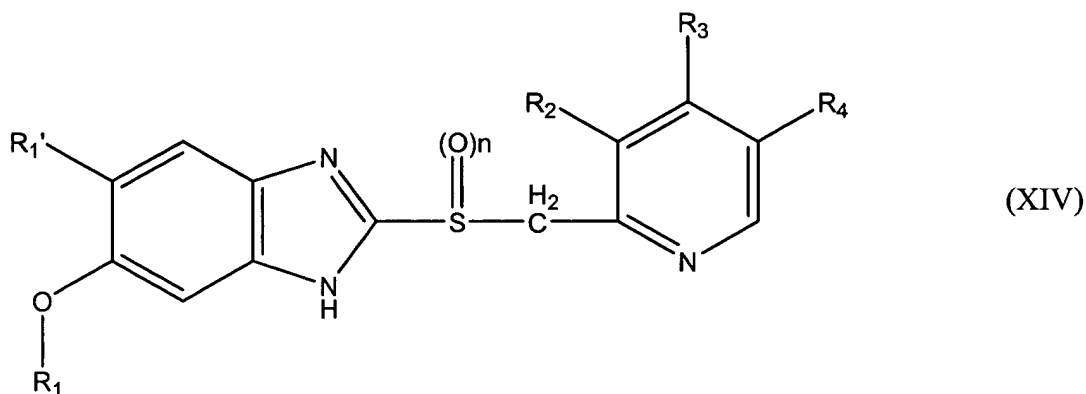


wherein  $R_1$  is hydrogen, alkyl, halogen, cyano, carboxy, carboalkoxy, carboalkoxyalkyl, carbamoyl, carbamoylalkyl, hydroxy, alkoxy, hydroxyalkyl, trifluoromethyl, acyl, carbamoyloxy, nitro, acyloxy, aryl, aryloxy, alkylthio or alkylsulfinyl,  $R_2$  is hydrogen, alkyl, acyl, carboalkoxy, carbamoyl, alkylcarbamoyl, dialkylcarbamoyl, alkylcarbonylmethyl, alkoxycarbonylmethyl or alkylsulfonyl,  $R_3$  and  $R_5$  are the same or different, and each is hydrogen, alkyl, alkoxy or alkoxyalkoxy,  $R_4$  is hydrogen, alkyl, alkoxy, optionally fluorinated, or alkoxyalkoxy, and  $m$  is an integer of 0 through 4;

wherein formula XIII is:

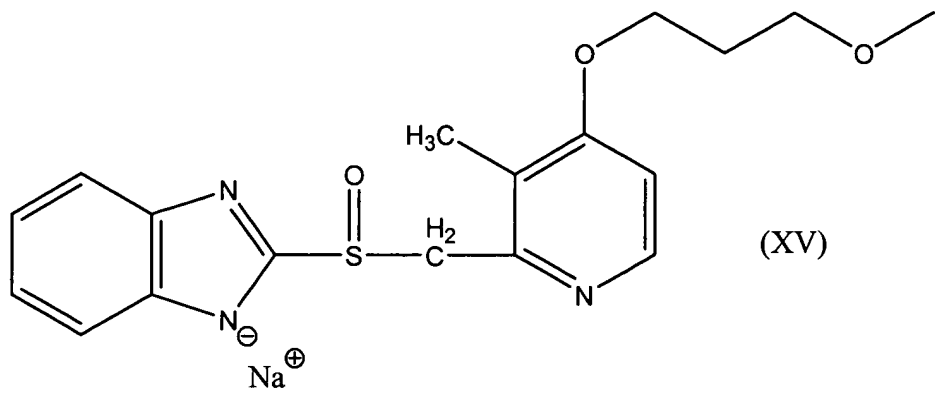


wherein formula XIV is:

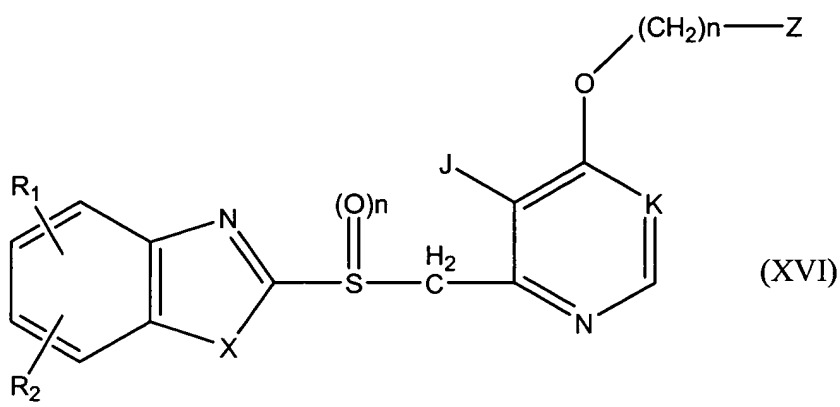


wherein  $R_1$  is a 1-3C-alkyl radical which is completely or predominantly substituted by fluorine, or a chlorodifluoromethyl radical;  $R_1'$  represents hydrogen, halo, trifluoromethyl, a 1-3C-alkyl radical, or a 1-3C-alkoxy radical which is, optionally, completely or predominantly substituted by fluorine;  $R_1$  and  $R_1'$  together, with inclusion of the oxygen atom to which  $R_1$  is bonded, represent a 1-2C-alkylenedioxy radical which is, optionally, completely or partly substituted by fluorine, or a chlorotrifluoroethylenedioxy radical;  $R_3$  represents a 1-3C-alkoxy radical; one of the radicals  $R_2$  and  $R_4$  is a 1-3C-alkoxy radical, and the other is a hydrogen atom or a 1-3C-alkyl radical, and  $n$  is 0 or 1;

wherein formula XV is:

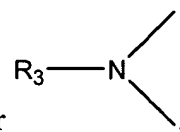


wherein formula XVI is:



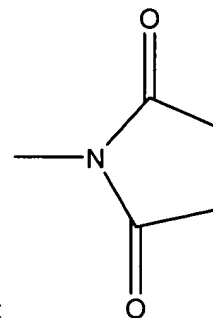
where  $R_1$  and  $R_2$  is the same or different, each being a hydrogen atom, a lower alkyl, lower alkoxy, halogenated lower alkyl, lower alkoxy carbonyl or carboxyl group or a

halogen atom; X is a group represented by the formula: -O-, -S- or



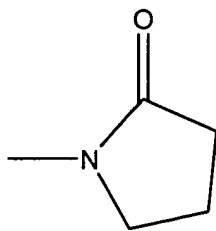
$R_3$  stands for a hydrogen atom or a lower alkyl, phenyl, benzyl or lower alkoxy carbonyl group; and Z represents: (1) a group of the formula:  $-O-(CH_2)_p-O-R_4$ , where p is an integer of 1 to 3, and  $R_4$  is hydrogen atom or a lower alkyl, aryl or aralkyl group, (2) a group of the general formula:  $-O-(CH_2)_q-R_5$ , where q is an integer of 1 to 3, and  $R_5$  is a halogen atom or an alkoxy carbonyl, aryl or heteroaryl group, (3) a group of the general formula:  $-O-(CH_2)_r-O-(CH_2)_s-O-R_6$ , where r and s each independently are an integer of 1 to 5, and  $R_6$  is a





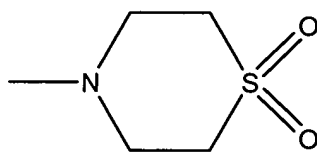
hydrogen atom or a lower alkyl group, (4) a group of the formula:

, (5) a

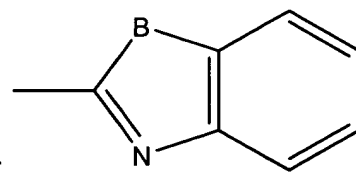


group of the formula:

, (6) a group of the formula:

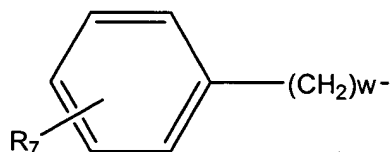


, (7) a group of the general formula:  $\text{---S}^{\text{(O)}t\text{---A}}$ , where t is an

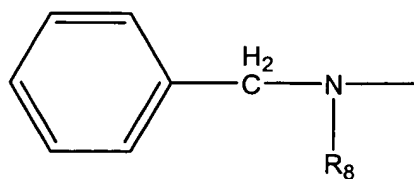


integer of 0 to 2, and A is a group of the general formula:

where B is a group represented by the formula: -NH-, -O- or -S-, a lower alkyl, alkoxy carbonylmethyl, pyridyl or furyl group or a group of the general formula:



, wherein R<sub>7</sub> is a hydrogen atom, a lower alkyl or lower alkoxy group or a halogen atom, and w is 0 or 1, (8) a group of the general formula:

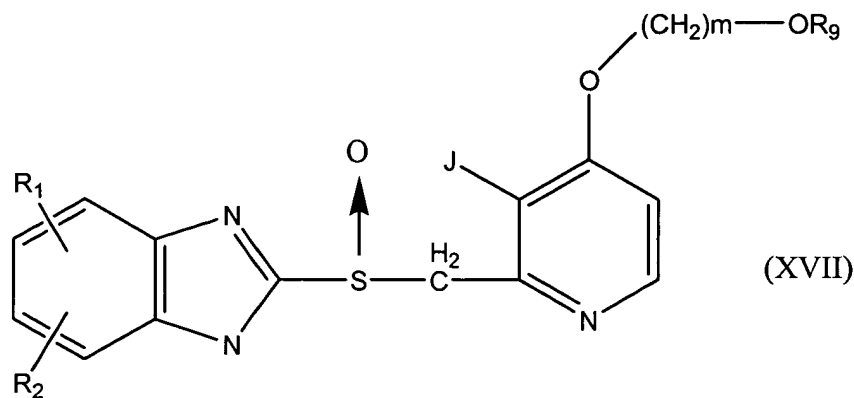


, where R<sub>8</sub> is an acetoxy or lower alkyl group, or (9) a

group of the general formula: -O-R<sub>9</sub>, where R<sub>9</sub> is a hydrogen atom or a lower alkyl or aryl group; n is an integer of 0 to 2; m is an integer of 2 to 10, and, J and K, which may be the same or different from each other, each stand for a hydrogen atom or a lower alkyl group,

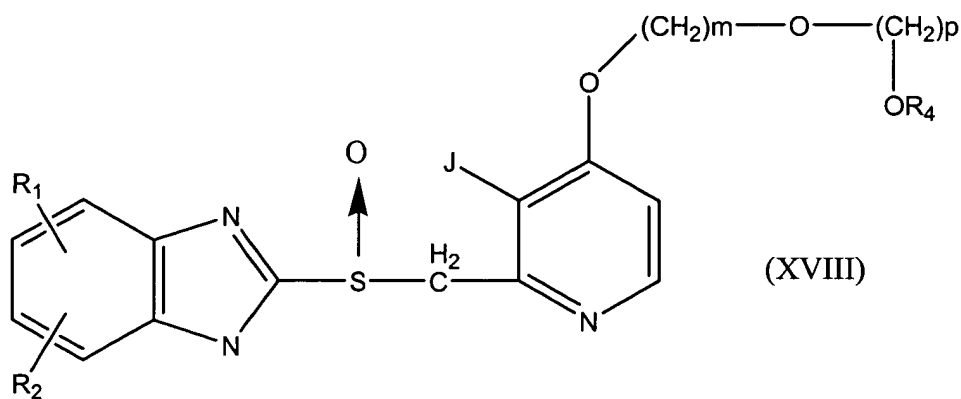
with the proviso that when Z is a group falling under the above category (9), R<sub>9</sub> is a lower alkyl group and m stands for an integer of 3 to 10;

wherein formula XVII is:



wherein R<sub>1</sub>, R<sub>2</sub>, J, m and R<sub>9</sub> have the same meanings as defined in formula XVI;

wherein formula XVIII is:



wherein R<sub>1</sub>, R<sub>2</sub>, J, p, m and R<sub>4</sub> have the same meanings as defined in formula XVI.

12-17. **(Canceled)**

18. **(New)** The method of claim 1, wherein the patient has no sleep apnea.